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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/162,735 | 09/29/1998 | RICK GESSNER | 06975-722001 | 9190 |
| 26171 | 7590 | 07/13/2006 | EXAMINER | |
| FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022 | | | PAULA, CESAR B | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2178 | |

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 09/162,735 | Applicant(s) GESSNER, RICK | |
| | Examiner CESAR B. PAULA | Art Unit 2178 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20, 22-35 and 39-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-20 and 43 is/are allowed.
- 6) ☒ Claim(s) 31-34 and 39-42 is/are rejected.
- 7) ☒ Claim(s) 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the RCE amendment filed on 4/21/2006.

This action is made Non-Final.

2. In the amendment, claims 22-30, and 36-38 have been canceled. Claim 43 has been added. Claims 1-20, and 31-35, and 39-43 are pending in the case. Claims 1, 7, 13, 22-26, 31, 36-37, 39 and 43 are independent claims.

3. The rejections of claims 1-20, and 22-25 rejected under 35 U.S.C. 103(a) as being unpatentable over Glass (Pat. # 6,253,204, 6/26/01, filed on 12/17/97), in view of Nakao (Pat. # 6,061,697, 5/9/00, filed on 8/25/97) have been withdrawn as necessitated by the amendment.

4. The rejections of claims 26-30, and 36 rejected under 35 U.S.C. 102(e) as being anticipated by Sato et al, hereinafter Sato (USPat.# 6,014,680, 1/11/2000, filed on 8/29/1996) have been withdrawn as necessitated by the amendment.

Drawings

5. The draftsperson objects to the drawings. See attached form PTO-948 for details. Correction is required. However, formal correction of the noted defects can be deferred until the examiner allows the application.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 31-34 remain, and 39-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al, hereinafter Sato (USPat.# 6,014,680, 1/11/2000, filed on 8/29/1996) in view of Nakao (Pat. # 6,061,697, 5/9/00, filed on 8/25/97).

Régarding independent claim 31, Sato teaches extracting keywords from a document, which is generated using certain format, such as word processing, OCR, etc.(which vary according to user edits), and is input into a system — *a scanner component configured to access an input content stream including renderable content of at least one particular grammar, said renderable content and said at least one particular grammar of said renderable content varying dynamically* (col. 7, lines 37-67).

Moreover, Sato teaches generating a modified DTD, and selecting the modified DTD from multiple DTDS so as to match the description format of the document— *a document type definition component for dynamically select a replaceable document type definition from among multiple replaceable document type definitions and provide a replaceable document type definition to the parsing engine, the replaceable document type definition having the at least one particular grammar of the renderable content and varying dynamically with the renderable*

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content and the at least one particular grammar of the renderable content (col. 7, lines 57-col.8, line 15, col.15, lines 44-52).

Further, Sato teaches generating from the document a DTD definition set, and then creating information-- *a content model* --containing describing elements of the document, and their contiguous relationships— *a parsing component for parsing said input content stream including said renderable content of said at least one particular grammar and generating a content model for said renderable content based on rules of said replaceable document type definition* (col. 15, lines 49-67). Sato fails to explicitly teach *a parsing engine configured to parse input to a network client*. However, Nakao teaches that an edited dtd is accessed or downloaded from a server to a client (col.1,L.32-54, col.17, line 62-col.18, line 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Sato, and Nakao, because Nakao teaches circulating documents over the Internet for satisfying the needs of users worldwide (col.1,L.11-31).

Regarding independent claim 32, which depends on claim 31, Sato teaches generating an abstract keyword/text, from the formatted document, model as an aggregation of keywords and strings— *tokenizing the input content stream including the renderable content of the at least one particular grammar*. (col. 7, lines 44-56).

Regarding independent claim 33, which depends on claim 32, Sato teaches generating an abstract keyword/text, from the various formatted document (regardless of format), model as an aggregation of keywords and strings— *tokenizing the input content stream including the*

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renderable content of at the least one particular grammar regardless of rules of the at least one particular grammar. (col. 7, lines 37-46).

Regarding independent claim 34, which depends on claim 33, Sato teaches generating an abstract keyword/text, from the various formatted document (using the same procedure regardless of document format), model as an aggregation of keywords and strings— *tokenizes the renderable content in a like manner regardless of rules of the at least one particular grammar. (col. 7, lines 37-46).*

Claims 39-41 are directed towards network client which performs equivalent functions to those found in claims 31-34 respectively, and therefore are similarly rejected.

Regarding claim 42, which depends on claim 39, Sato teaches extracting keywords from a document, which is generating using certain format, such as word processing, OCR, etc.(which vary according to user edits), input into a system — *a scanner component for accessing an input content stream including renderable content of at least one particular grammar, said renderable content and said at least one particular grammar of said renderable content varying dynamically (col. 7, lines 37-67).*

Moreover, Sato teaches generating a modified DTD so as to match the description format of the document.— *said document type definition defining a document context of said renderable content; identifying any malformed expressions in said renderable content; replacing said any malformed expressions in said renderable content with well-formed*

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expressions derived from said document context defined by said document type definition; The modified SGML document version of the formatted document, is used to correct deficiencies in an interim SGML document so as to match the modified DTD (col. 7, lines 57-67, col.15, lines 44-52).

Furthermore, Sato teaches generating from the document a DTD definition set, and then creating information-- *a content model* --containing describing elements of the document, and their contiguous relationships— *generating said content model for said renderable content based on said replaceable document type definition*, (col. 15, lines 49-67). Sato fails to explicitly disclose *rendering said renderable content*. It would have been obvious to one of ordinary skill in the art at the time of the invention to have rendered the document, because Sato teaches the benefit of outputting a structured document irrespective of apparatus used to output the document (col.1, lines 40-49).

Allowable Subject Matter

8. Claims 1-20, and 43 are allowed.
9. Claim 35 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

10. Regarding claims 1, 7, the Applicants submit that Nakao does not teach the amended claims (pages 10-11). Claims 1, and 7 have been allowed.

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11. Applicant's arguments filed 4/21/2006 have been fully considered but they are not persuasive. Regarding claims 31-35, and 37-42, Applicant indicates that Sato, and Nakao fail to teach the amended claims (pages 11-12). The Examiner disagrees, because Sato teaches generating a modified DTD, and selecting the modified DTD from multiple DTDS so as to match the description format of the document— *a document type definition component for dynamically select a replaceable document type definition from among multiple replaceable document type definitions and provide a replaceable document type definition to the parsing engine, the replaceable document type definition having the at least one particular grammar of the renderable content and varying dynamically with the renderable content and the at least one particular grammar of the renderable content* (col. 7, lines 57-col.8, line 15, col.15, lines 44-52).

Newly added claim 43 has been allowed as indicated above.

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Conclusion

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. "Extensible Markup Language (XML) 1.0", W3C Recommendation, 2/10/1998, and Connolly et al, "The Evolution of Web Documents: The Ascent of XML", 9/21/1997.

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cesar B. Paula whose telephone number is (571) 272-4128. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on (571) 272-4124. However, in such a case, please allow at least one business day.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://portal.uspto.gov/external/portal/pair>. Should you have any questions about access to the Private PAIR system, please contact the Electronic Business Center (EBC) at 866 217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, please call 800-786-9199 or 571 272-1000 (USA or Canada).

Any response to this Action should be mailed to:
Commissioner for Patents
P.O. Box 1450

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Alexandria, VA 22313-1450

Or faxed to:

- (571)-273-8300 (for all Formal communications intended for entry)



CESAR PAULA
PRIMARY EXAMINER

7/8/06